

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Petitioner,

v.

CAROL PORTER,

Respondent.

Case No. C05-5793RJB

ORDER DENYING
PETITIONER'S MOTIONS AND
WARNING PETITIONER

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner in this action, CO5-5793RJB, is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. From the outset plaintiff has filed excessive, frivolous, and often unserved motions.

On May 10th, 2006 the court received a large packet of pleadings from the plaintiff. Included in that packet were two new civil rights complaints, with no service copies or forms, multiple motions for another pending case and 26 separate motions in this habeas corpus case.

None of the documents were sorted by case. None of the 26 motions filed in this action appear to have been served on opposing counsel. Many of the motions are motions filed earlier in the case, and petitioner has simply crossed out the filing stamp on the pleading and re submitted it.

ORDER- 1

1 The pleadings include:

- 2 1. Two untimely motions to amend the petition.
- 3 2. Five motions to produce documents or things.
- 4 3. Five motions for subpoena duces tecum.
- 5 4. Two motions for appointment of counsel.
- 6 5. Two “motions to dismiss.” (Petitioner does not seek to dismiss his petition. Instead he
- 7 asks that information in his underlying conviction be disregarded).
- 8 6. The remaining ten motion are
 - 9 A. Motion to “appended.”
 - 10 B. Motion to “Quash.” (Plaintiff asks the court to quash information in the
 - 11 underlying conviction or in his files).
 - 12 C. Motion to Supplement.
 - 13 D. Motion for telephonic argument.
 - 14 E. Motion for a protective order.
 - 15 F. Motion to unseal a “confidential” report.
 - 16 G. Motion to file supplemental affidavits and exhibits in support of his petition
 - 17 H. Motion to file a motion to produce.
 - 18 I. Motion for a continuance.
 - 19 J. Motion to file a motion for discretionary review.

20 The clerks office is instructed to scan all 26 motions into the system as a single docket entry.
21 As there is no proof that any of the motions have been served on opposing counsel and because the
22 court has advised petitioner that the “time bar” issue is the only issue before the court the motions
23 are stricken.

24 This court has repeatedly told petitioner that a motion to dismiss is pending and the only
25 issue he needs to address at this point in time is whether his petition is time barred. (Dkt. # 54, 75,
26 83). Petitioner has not addressed the time bar issue. His filing multiple, untimely, improper,
27 unserved, frivolous motions may justify sanctions.

28 ORDER- 2

